IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 1135 of 1994

Between:

Karnati Shankaramma W/o.late China Yella Reddy @ Yella Reddy
Venkateswarla Bavi Amrabad Mandal
Mahaboobnagar Dist

..... PETITIONER

AND

1 Revenue Divisional Officer, Nagar Kurnool
Mahaboobnagar Dist
2 District Collector
Mahaboobnagar
3 Mandal Revenue Officer, Amrabad Mandal
Mahaboobnagar Dist., Amrabad
4 Chintala Niranjan S/o.Venkaiah
R/o.Chintaloripally Amrabad Mandal and post
Mahaboobnagar District
5 Chirra Balaiah S/o.Balaiah
R/o.Chintaloripally Amrabad Mandal and post
Mahaboobnagar District
6 Karnati Rajeswar Reddy S/o.Chenna Reddy
Amrabad
Mahaboobnagar District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of a writ of certiorari, calling for the records relating to the impugned order in case NO.H/4446/92, Dt.30/07/1993 made by the Revenue Divisional Officer, Nagar Kurnool and the notice No.B/970/93 Dt.21/01/1994 issued by the Mandal Revenue Officer, Amrabad, Mahaboobnagar District and quash the same as being illegal, without jurisdiction opposed to the principles of natural justice and invalid.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondent Nos.1 to 3 : GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: Sri B.Narasimha Sarma

Counsel for the Respondent No.6: None appeared

The Court made the following :

ORAL ORDER:

1 . The petitioner has filed this writ petition aggrieved by the order passed by the 1st respondent in Case No.H/4446/92, dated 30.7.1993 in which the transfer of the disputed land in favour of the 6th respondent was held invalid as the transfer is in contravention of the provisions under A.P. Scheduled Areas Land Transfer Regulations, 1959 (for short "The Regulations"). Therefore, it was ordered by the 1st respondent that the disputed land, which is an extent of Ac.5.39 cents in S.No.1240 of Amrabad village, Mahboobnagar District to be taken over by the Government.

2. According to the petitioner, her husband purchased the scheduled property, but however, her grandson, who is the 6th respondent, was looking after the said land. Therefore, the 6th respondent is not the owner or possessor of the land except looking after the agricultural operations on behalf of the petitioner. Therefore, the impugned order is liable to be quashed on the ground that no notice was issued to the petitioner before passing the impugned order.

3 . The learned counsel for the petitioner contended that the village, Amrabad was not notified as one of the villages forming part of the scheduled areas as notified under the provisions of the Constitution. Therefore, the provisions of the Regulations have no application. Under the above circumstances, the learned counsel prays to set aside the impugned orders.

4 . The learned Government Pleader contended that there is no justification in the contention of the learned counsel for the petitioner that the village, Amrabad was not one of the villages notified under the provisions of the Constitution of India. It is stated that Amrabad was notified as one of the villages at serial number 49 out of the Notified S.T. Villages in Achampet Taluk of Mahaboobnagar District, a copy of which is placed before this Court.

5. In view of the above, the ground that the village is not part of the scheduled areas and therefore, the Regulations have no application is clearly devoid of merit.

6 . With reference to the impugned order passed by the 1st respondent, the contention of the learned counsel for the petitioner is that the petitioner is the owner of the land, but the impugned order was passed without impleading the petitioner and without serving notice on her. Therefore, the said order is liable to be quashed. But, as admitted by the petitioner herself that the 6th respondent was looking after the agricultural operations of the said land and in fact the 6th respondent was made a party and served with a notice, the impugned order also shows that the 6th respondent appeared before the 1st respondent and contested the matter on merits, and the 1st respondent found that the alleged transfer in favour of the 6th respondent or the petitioner or the petitioner's husband is invalid as the said transfer was in contravention of the provisions of the Regulations. Aggrieved by impugned order, the petitioner has come up with the present writ petition.

7. In fact, under the provisions of the Land Transfer Regulations, an appeal is provided to the Agent to the Government, but the petitioner did not file any appeal. During the course of arguments, it was stated that the 6th respondent had filed an appeal before the appellate authority, but the learned counsel did not know the result of the said appeal. In any case, as there is a statutory appeal available under the provisions of the Land Transfer Regulations, the writ petition is

liable to be dismissed. Even though the petitioner was not made a party or notice was not served on her, but she had the knowledge of the proceedings initiated by the 1st respondent as the 6th respondent, who is her grandson was made a party and also served with a notice. In fact, the 6th respondent had even filed an appeal before the appellate authority. As the 6th respondent had filed an appeal before the appellate authority, it is not open for the petitioner to file a separate writ petition again pursuing parallel remedies. In any case, the petitioner has got an effective alternative remedy of the appeal under the provisions of the Land Transfer Regulations. If the petitioner chooses to file an appeal, she can do so within a period of four weeks from today.

8. The writ petition is accordingly disposed of. No costs.

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(S. ANANDA REDDY, J.)

3rd December, 2004.

bcj

To

1 Revenue Divisional Officer, Nagar Kurnool
Mahaboobnagar Dist
2 District Collector
Mahaboobnagar
3 Mandal Revenue Officer, Amrabad Mandal, Amrabad,
Mahaboobnagar Dist.
4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.